



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/596,374	06/19/2000	Gerald A. Pierson	00-CIP-23111	3955

7590 12/15/2004

Jeffrey S Whittle  
Allen Dyer Doppelt Milbrath & Gilchrist P A  
255 S Orange Avenue  
Suite 1401  
Orlando, FL 32802-3791

EXAMINER
----------

HU, JINSONG

ART UNIT	PAPER NUMBER
----------	--------------

2154

DATE MAILED: 12/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/596,374

**Applicant(s)**

PIERSON ET AL.

**Examiner**

Jinsong Hu

**Art Unit**

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 November 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>11/5/04</u> . | 6) <input type="checkbox"/> Other: _____  |

Art Unit: 2154

### DETAILED ACTION

1. Claims 1-13 are presenting for examination. Claims 1, 6, 11 and 12 have been amended.
2. The prior art references cited by applicant on 11/5/04 haven been considered except the citation number one (Rose, 10/28/2003), because the patent number for this patent is not correct.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Sanford (US 6,536,039).
5. As per claims 1 and 5, Sanford teaches the invention as claimed including a system for updating a compact disc card [col. 2, lines 7-11], the apparatus comprising:

a first computer having software stored thereon defining a server [col. 5, lines 17-19], the server having first compact disc card updating means associated therewith for storing compact disc card update data [col. 2, lines 34-37];

a communications network in communication with the server [col. 5, lines 15-19];

a plurality of remote computers in communication with the server through the communications network, each of the plurality of remote computers having a processor for processing digital data [202, Fig. 2], a memory [204, Fig. 2] in communication with the processor for storing digital data, a user display [212, Fig. 2] in communication with the processor for displaying data to a user, and a compact disc drive [208, Fig. 2] positioned to receive at least one compact disc therein [col. 5, lines 7-19]; and

a compact disc card positioned in the compact disc drive of at least one of the remote computers and containing original content digital data thereon [col. 5, lines 20-29], the compact disc card including a seating ring interface seat associated with the compact disc card, second card updating means stored on the compact disc card and responsive to the first compact disc card updating means for updating the original content digital data stored on compact disc card with updated data created by storing only actual changes in digital information between the new update and the original content digital data [col. 4, lines 42-50; col. 5, lines 25-28 & 38-42; the updated individual program modules are portion of entire software program, wherein they are changes between new entire software program and original entire software program, i.e., user only download the changes or updated portion of the digital information if the

Art Unit: 2154

differences exist] in the memory of the at least one remote computer [col. 3, lines 6-12; col. 3, line 58 – col. 4, line 8].

6. As per claim 2, Sanford teaches that the graphical user interfacing means includes interface displaying means for displaying a graphical user interface on the user display [col. 3, lines 53-54] and user directing means for directing a user through a plurality of blocks for updating the stored digital data in the memory of the at least one remote computer so that the update appears to the user to be on the card [col. 3, lines 6-12; col. 3, line 58 – col. 4, line 8].

7. As per claim 3, Sanford teaches that the directing means includes software loading means displayed to a user for loading the second card updating means into the memory of the at least one remote computer responsive to the user [col. 4, line 62 – col. 5, line 6].

8. As per claim 4, Sanford teaches that the graphical user interfacing means further includes updating initiating means associated with the second card updating means for initiating the updating of the updated data from the first card updating means [col. 4, lines 37-42].

9. As per claims 6 and 10, Sanford teaches the invention as claimed including a system for updating a compact disc card [col. 2, lines 7-11], the apparatus comprising:

Art Unit: 2154

a computer having software stored thereon defining a server [col. 5, lines 17-19], the server having first compact disc card updating means associated therewith for storing compact disc card update data [col. 2, lines 34-37];

a communications network in communication with the server [col. 5, lines 15-19];

a plurality of remote computers in communication with the server through the communications network, each of the plurality of remote computers having a processor for processing digital data [202, Fig. 2], a memory [204, Fig. 2] in communication with the processor for storing digital data, a user display [212, Fig. 2] in communication with the processor for displaying data to a user, and a compact disc drive [208, Fig. 2] positioned to receive at least one compact disc therein [col. 5, lines 7-19]; and

a compact disc card positioned in the compact disc drive of at least one of the remote computers and containing original content digital data thereon [col. 5, lines 20-29], the compact disc card including a seating ring interface seat associated with the compact disc card, second card updating means stored on the compact disc card and in communication to the first compact disc card updating software for updating the original content digital data stored on compact disc card by storing only actual changes in digital information between the new update and the original content digital data [col. 4, lines 42-50; col. 5, lines 25-28 & 38-42; the updated individual program modules are portion of entire software program, wherein they are changes between new entire software program and original entire software program, i.e., user only download the changes or

Art Unit: 2154

updated portion of the digital information if the differences exist] in the memory of the at least one remote computer [col. 3, lines 6-12; col. 3, line 58 – col. 4, line 8].

10. As per claim 7, Sanford teaches that the graphical user interfacing means includes interface displaying means for displaying a graphical user interface on the user display [col. 3, lines 53-54] and user directing means for directing a user through a plurality of blocks for updating the stored digital data in the memory of the at least one remote computer so that the update appears to the user to be on the card [col. 3, lines 6-12; col. 3, line 58 – col. 4, line 8].

11. As per claim 8, Sanford teaches that the directing means includes software loading means displayed to a user for loading the second card updating means into the memory of the at least one remote computer responsive to the user [col. 4, line 62 – col. 5, line 6].

12. As per claim 9, Sanford teaches that the graphical user interfacing means further includes updating initiating means associated with the second card updating means for initiating the updating of the updated data from the first card updating means [col. 4, lines 37-42].

13. As per claim 11, Sanford teaches the invention as claimed including a graphical user interface for updating a compact disc card having thereon original content digital

Art Unit: 2154

data and for enhancing update capabilities to a user of the compact disc card, the graphical user interface comprising:

directing means for directing a user through a plurality of blocks for updating stored digital data in memory of at least one remote computer so that the update appears to the user to be on a compact disc card, the directing means including software loading means displayed to a user for loading card updating software into the memory of the at least one remote computer responsive to the user [col. 3, lines 6-12; col. 3, line 58 – col. 4, line 8], wherein the software loading means loads new updating digital data containing only actual changes in digital information between the new update and the original content digital data [col. 4, lines 42-50; col. 5, lines 25-28 & 38-42; the updated individual program modules are portion of entire software program, wherein they are changes between new entire software program and original entire software program, i.e., user only download the changes or updated portion of the digital information if the differences exist]; and

update initiating means associated with the card updating software for initiating the updating of the updated data from remote card updating software [col. 4, lines 37-42; col. 7, lines 5-8].

14. As per claims 12 and 13, since they are method claims of 1-4, they are rejected for the same basis as claims 1-4.



***Conclusion***

15. Applicant's arguments filed on 9/30/04 for claims 1-13 have been fully considered but they are not deemed to be persuasive.

16. In the remarks, applicant argued in substance that Stanford does not teach storing only actual changes in digital information between new updates and the original content.

17. Examiner respectfully traverses applicant's remarks:

As to the newly added limitations of claims, Examiner has explained in this office action, see corresponding paragraph for details.

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jinsong Hu whose telephone number is (571) 272-3965. The examiner can normally be reached on 8:00 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A. Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

Art Unit: 2154

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jinsong Hu

December 3, 2004



JOHN FOLLANSBEE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100